

ATTACHMENT 1

Date: May 26, 2016
To: Planning Commission
From: Jill Coomer / Sr. Investigator Code Enforcement
Subject: Bone Olive Oil Processing Facility / 1111 Kiler Canyon Rd.

The following provides a history overview of Code Enforcement's involvement at the Bone Olive Oil Processing Facility.

History of Non-compliance Issues

May 2013, Code Enforcement received a complaint of off-site olive processing and tasting room at 1111 Kiler Canyon Rd. When I researched the property, I discovered that Mr. Bone had a pre-application meeting with staff on 06/02/05 regarding olive processing and tasting. Mr. Bone then applied for a Minor Use Permit (MUP) on 9/26/05 and withdrew the application on 11/20/2009. The application notes indicated the applicant was only going to process onsite olive therefore a MUP was not required.

On 4/19/09, Mr. Bone applied for a building permit for an Agriculture processing building (3,445 SF) with a covered porch (571 SF), processing for on-site olives only, and as-built grading including two septic systems. The permit was issued on 08/08/09 and finalized on 09/18/11. I also located a Planning Directors Determination letter that was sent to Mr. Bone on 10/19/11 that stated, "At your request, the County has determined that the requested use to offer prepared food for on-site consumption most closely resembles a "limited food service facility" which is regulated under Section 22.30.570 Stores and Restaurants in Non-Commercial Categories. A "limited food service facility" requires a Conditional Use Permit which is approved or denied through a public hearing process before the County Planning Commission."

After my investigation into the alleged violation, Code Enforcement determined Mr. Bone was in violation of Title 22, Section 22.30.70 and that a MUP will be required for agriculture processing activities. Code Enforcement sent a Notice of Violation to Mr. Bone on 07/09/13.

I received additional complaints that Mr. Bone had installed a commercial kitchen and was serving food along with olive tasting in the permitted AG processing building. Mr. Bone also obtained a health department clearance for the commercial kitchen without the proper Planning Department permit. I also received numerous complaints of large parties and tour buses visiting the property. I advised Mr. Bone and his attorney John Belsher to discontinue the use of the commercial kitchen and that olive tasting could continue outside the AG processing building.

On 5/14/14 Mr. Bone applied for a Conditional Use Permit for processing of olives grown off-site and a restaurant. Planning staff allowed temporary olive processing and outside oil tasting during the permit processing.

Land Use Determination for Conditional Use Permit / DRC2013-00096

While making a determination on this permit, please consider the enforceability of the conditions. For Code Enforcement to enforce conditions on projects such as this, it is important the conditions are clear and concise not vague and open ended.